



CONGRESSWOMAN GABRIELLE GIFFORDS

Congressional Update on Border Security

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Congresswoman Giffords has made border security a high priority from the day she was sworn in as a member of the House of Representatives. In her first floor speech on Jan. 12, 2007, she stated *“For too long, Congress and Washington have failed to act and we must secure the border now. We need to increase border security using modern-era technology: radar, drones, and electronic surveillance. There must be more Border Patrol agents and more support for those Border Patrol agents. We also need tough employer sanctions for those employers who are knowingly hiring people illegally. Working to pass such measures will be my priority in this 110th Congress and I look forward to working with members on both sides of the aisle on this important issue.”*

Over the past four years and two sessions of Congress, Congresswoman Giffords has introduced legislation and voted for appropriations to improve border security. She has worked with members of both parties to build support in Congress for new border security measures and has taken action in the district to address the border security concerns of citizens and local law enforcement agencies.

Legislation introduced, co-sponsored or supported by Congresswoman Giffords in the 110th and 111th Congress:

Emergency Supplemental Appropriation for Border Security of 2010 – H.R. 6080

Congresswoman Giffords introduced this legislation with Congressman David Price, chairman of the Homeland Security Appropriations Subcommittee. **It provides an immediate appropriation of \$600 million to increase personnel, technology and other assets for border security. The legislation includes:**

- \$176 million for 1,000 new Border Patrol agents
- \$32 million to deploy unmanned aerial vehicle surveillance drones
- \$6 million to deploy forward operating bases along the border
- \$50 million for 250 new ICE personnel
- \$39 million for new Customs and Border Protection officers
- \$37 million for new Alcohol, Tobacco and Firearms agents
- \$34 million for new Drug Enforcement Administration agents
- \$30 million for border interdiction activities by ICE
- \$29 million for 250 new Customs and Border Protection officers at the ports
- \$24 million for additional FBI agents
- \$21 million for Interagency Crime and Drug Law enforcement initiatives.
- \$20 million for the federal prison system to detain immigrant criminals.
- \$14 million for communication equipment for new officers
- \$13 million for additional U.S. attorneys

- \$10 million for federal judiciary resources to handle higher caseloads
- \$10 million for investigators in the Border Patrol and Customs and Border Protection
- \$8 million for the Federal Law Enforcement Training Center
- \$8 million for additional U.S marshals along the border
- \$7 million for processing of apprehended drug dealers and human traffickers
- \$2.1 million for expediting administrative review and appeals along the border

Status: The legislation was approved by the House of Representatives on Aug. 10, 2010 and by the Senate on August 12. It was signed into law by the president on Aug. 13, 2010.

Homeland Security Appropriations Bills for FY 2008, FY 2009, FY 2010 and FY 2011

Congresswoman Giffords has advocated and voted for increased funding to hire more Border Patrol agents and provide them with the technology and support they need to carry out their border security mission.

These increased appropriations have doubled the number of Border Patrol agents assigned to the Tucson Sector and funded miles of new fencing, 25 additional mobile surveillance systems, new high-tech equipment including vehicle x-ray machines, interior checkpoints and other border security assets.

Status: Appropriations bills for FY 2008, 2009 and 2010 were approved by Congress and signed into law by the president.

Congresswoman Giffords submitted special funding requests to enhance border security in the Fiscal Year 2011 budget for the Department of Homeland Security. These requests include \$7 million for cell phone towers in the San Bernardino Valley east of Douglas. Congresswoman Giffords met with local ranchers to get their advice on what should be done to stop the threats to their families, homes and land from armed smugglers. They said that one of the most important steps that must be taken is to improve electronic communication in the areas which currently lack reliable cellular phone service. The gaps in telecommunications have severely limited local residents' ability to effectively communicate critical intelligence to local law enforcement and Border Patrol or to get emergency assistance.

Congresswoman Giffords also requested \$3 million for Nogales Border Fence Enhancement and Replacement. The current fencing is made of WWII landing mats and it is regularly climbed over or cut through by people entering the U.S. illegally. This 2.9-mile stretch of fencing needs replacement to ensure that smugglers can no longer penetrate the barrier. The new fence will hinder illegal border crossings and will provide better protection to the Border Patrol agents who are guarding the border.

Status: The FY 2011 Department of Homeland Security (DHS) appropriations bill is pending in the House Appropriations Subcommittee on Homeland Security. The DHS has responded to the Congresswoman's call to replace the fencing in both Nogales and Douglas and will use current funds to replace the old and ineffective fences.

Deployment of the National Guard to the Border – House Concurrent Resolution 273

In March and April 2010, Congresswoman Giffords wrote and met with the president and the secretary of Homeland Security urging them to deploy National Guard troops to the Arizona border to ensure the safety and security of residents living on or near the border. In April she joined a bipartisan group of House members in sending a letter to the president calling on him to authorize the deployment of National Guard troops to the Southwest border.

Congresswoman Giffords and Congressman Ted Poe, R-TX, introduced Concurrent Resolution 273 on May 4, 2010 calling for urgent action to secure the border in the interests of national security. This bipartisan resolution stated that it is the sense of Congress that the escalating level of violence on the United States-Mexico border is a serious threat to the national security of the United States. **The resolution urged the president to deploy National Guard troops to the border to assist the Border Patrol in its border security mission.**

Status: On May 25, 2010, the president ordered the deployment of 1,200 National Guard troops to the Southwest border. The deployment has put 560 troops on the border in Cochise and Santa Cruz counties. All troops were in place by Sept. 30, 2010. The troops are conducting surveillance along the border and are providing other support to the Border Patrol.

State Criminal Alien Assistance Program (SCAAP) Funding

In FY 2008 and again in FY 2009, the president's budget proposal eliminated SCAAP funding.

Congresswoman Giffords testified to the House Budget Committee to successfully reinstate the funding. She also worked with the House Appropriations Committee to increase the funding for FY 2009 by \$10 million to \$420 million. This federal funding reimburses local law enforcement agencies for the cost of dealing with illegal immigration. It provides vital support to border states such as Arizona, where we pay a disproportionately higher amount for the incarceration of illegal immigrants. The Congresswoman has written to the president and congressional leaders to request a \$620 million increase in the SCAAP budget for FY 2011, raising the proposed appropriation from \$330 million to \$950 million.

Status: The FY2008 and FY2009 funding increases were signed into law by the president. The FY2011 appropriations bill is pending in the House of Representatives.

Funding for a new federal courthouse in Arizona

In January 2010, Congresswoman Giffords helped secure **\$28 million in federal stimulus funds for a badly needed new federal courthouse in Yuma.** The Yuma courthouse was built in 1992, when only 826 cases were heard there. That number since has grown to more than 4,000 cases per year and the current facility is not equipped to meet this additional demand. This has resulted in hundreds of cases being sent to the federal courthouse in Tucson, which already is filled to capacity.

Status: Funding has been allocated to construct the new federal courthouse in Yuma.

Employee Verification Amendment Act – H.R. 662

Congresswoman Giffords introduced the *Employee Verification Amendment Act* to reauthorize the Department of Homeland Security's Basic Pilot electronic employment eligibility verification program, also known as "E-Verify." Without congressional action, E-Verify would have expired on Sept. 30, 2009. **This legislation provides for a five-year extension of this program for the electronic employment verification of employees.** It also includes provisions that ensure DHS provides timely reimbursements to the Social Security Administration (SSA) for the use of SSA resources by E-Verify.

Status: The legislation passed in the 110th Congress on July 31, 2008 by a vote of 407-2. The FY 2010 DHS appropriations bill extended E-Verify for three years.

Ultralight Smuggling Prevention Act – H.R. 5307

Congresswoman Giffords introduced this legislation with Congressman Dean Heller, R-Nev.. Drug cartels continuously look for new ways to smuggle drugs into the United States. Their latest method is to use ultralight aircraft that are flown by a single pilot and are capable of flying up to 200 miles into our country. The Department of Homeland Security indicates that more than 190 such incursions have been reported since October 2009.

This legislation would amend the Tariff Act of 1930 to include ultralight aircraft under the aviation smuggling provisions. **Under this bill, a conviction for smuggling in an ultralight could result in a maximum sentence of 20 years in prison and a \$250,000 fine in addition to the punishment for smuggling drugs.**

Status: On Sept. 23, 2010, the House passed the Ultralight Smuggling Prevention Act by a vote of 412-3.

The Tunnel Enforcement Act - H.R. 4326

Congresswoman Giffords introduced this legislation which ensures that the federal government can criminally prosecute smugglers who tunnel into the United States. It adds to the federal code a provision to criminalize the construction of tunnels under the U.S. border. **It establishes criminal penalties for using tunnels to smuggle illegal immigrants, goods, controlled substances, weapons or terrorists.**

Status: H.R. 4326 was included in the final FY 2008 Omnibus Appropriations Bill that passed the House in 2007 and was signed into law by the president.

Stored Value Device Registration and Reporting Act – H.R. 4966

Congresswoman Giffords introduced this legislation with Congressman Brian Bilbray, R-Calif. Drug cartels use stored value devices to launder money in and out of the United States. A recent threat assessment by the U.S. Department of Justice National Drug Intelligence Center dubbed the stored-value devices "an ideal money-laundering instrument." These devices also can be used to transfer funds to terrorist organizations outside the United States. **The legislation will regulate the use of these cards under Title 31 and require individuals to declare to Customs Officers at the border if they are carrying \$10,000 or more on a stored value device. It will create stiff penalties for knowingly smuggling stored value devices into the United States and also requires operators of stored value systems to register with the Treasury and to list the businesses that issue stored value devices.**

Status: Referred to the House Committee on Financial Services.

New Employee Verification Act (NEVA) – H.R. 5515 and H.R. 2028

Congresswoman Giffords introduced NEVA with Congressman Sam Johnson, R-Texas. The legislation was introduced in both the 110th and 111th Congress. **NEVA would replace E-Verify with a mandatory and more effective and reliable employee verification system.** It would provide protections for law-abiding employers and employees. NEVA would create a national, mandatory electronic system to verify the legal status of new hires.

Status: Pending with the House Judiciary, Ways & Means and Education & Labor committees.

Border Security Accountability Act – H.R. 5552

This legislation would **require that the Department of Homeland Security report on a variety of activities, benchmarks and expenditures including:**

- apprehension, detention and deportation processes and rates;
- staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies and technologies; and
- training for all border security functions, taking into account new security programs, policies, technologies and challenges and threats unique to the region and terrain where the trainee will be assigned.

On May 22, 2008, Congresswoman Giffords testified to the House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism about H.R. 5552 and the immigration and security challenges facing Southern Arizona.

Status: Referred to the House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism.

Mobile Biometric Identification Program in the Maritime – H.R. 1148

This bill would require the secretary of Homeland Security to **conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.**

Status: Passed the House on March 24, 2009.

Border Violence Prevention Act – H.R. 1867

This legislation would help **prevent Mexican drug cartel violence from spilling over into the U.S.** by providing more boots on the ground, new equipment and 21st-century technology for Customs and Border Protection and Immigrations and Customs Enforcement.

Status: Pending in the House Committee on Homeland Security.

Western Hemisphere Drug Policy Commission Act – H.R. 2134

This legislation would **establish the Western Hemisphere Drug Policy Commission to review and evaluate U.S. illicit drug supply policy and demand reduction policies and programs**, and identify policy and program options to improve existing international and domestic counternarcotics policy.

Status: Pending in the House committees on Foreign Affairs, Judiciary and Energy and Commerce.

Congresswoman Giffords' District Actions to Improve Border Security

Establishment of interior checkpoints to curtail smuggling

Congresswoman Giffords established a 27-member workgroup to review the Border Patrol's plans to construct a permanent checkpoint on I-19. The workgroup held 17 public meetings which allowed more than 600 area residents to provide their comments and recommendations to the Border Patrol.

The workgroup's recommendations resulted in the Border Patrol changing the location of the checkpoint and reducing its footprint. The workgroup also recommended that an independent study be conducted to determine the effectiveness of interior checkpoints. Congresswoman Giffords and bipartisan members of the House and Senate requested a Government Accountability Office (GAO) study to implement this recommendation.

When the GAO study was completed, Congresswoman Giffords worked closely with the Department of Homeland Security to expedite construction of a checkpoint on I-19. The checkpoint is designed to improve safety for Border Patrol agents, increase the amount of time canines can be used on site, utilize high-tech equipment to inspect vehicles and increase the overall effectiveness of the checkpoint. The checkpoint became fully operational in April 2010. Shortly after its construction, more than 5,000 pounds of marijuana with a street value of over \$4 million was seized at the checkpoint. Last year, in a single event, more than 3,200 pounds of marijuana with a street value of \$2.6 million were seized at the checkpoint.

Improving communications between border residents, the Border Patrol and border security policy decision makers

Congresswoman Giffords convened four meetings with ranchers and the chief of the Border Patrol Tucson Sector to improve communications and collaboration.

Congresswoman Giffords worked with the Border Patrol to establish three community advisory groups in Douglas, Naco and Green Valley to improve communication and cooperation. These groups meet regularly to update the Border Patrol on what they are experiencing along the border and to make recommendations for improvements in Border Patrol operations.

Congresswoman Giffords has hosted regular conference calls among DHS officials, congressional leaders and the ranchers and farmers who live on or near the border. These calls have given local residents ongoing access to border security decision makers and their advice has helped build congressional support for increased attention and funding for border security. Participants in the conference calls included Majority Leader Steny Hoyer, Homeland Security Appropriations Subcommittee Chairman David Price, Homeland Security Committee Chairman Bennie Thompson, CBP Commissioner Alan Bersin, U.S. Attorney for Arizona Dennis Burke, U.S. Marshal for Arizona David Gonzales, Chief Judge John Roll, ICE Supervisor in Arizona Matt Allen and Tucson Border Patrol Sector Chief Victor Manjarrez. As a result of these calls, Congressman Bennie Thompson, chairman of the House Homeland Security Committee, toured the border in Cochise County. Chairman Thompson and Congresswoman Giffords also held a town hall in Douglas with area ranchers to discuss border security issues and strategies.

Government Accountability Office (GAO) study of Border Patrol deployment strategies and decisions

Following his visit to the border and meeting with area ranchers, Chairman Bennie Thompson joined Congresswoman Giffords in requesting a GAO evaluation of the Border Patrol's deployment decisions and strategies. The study should be completed by spring 2011.

Border violence summit

In April 2009 Congresswoman Giffords convened a meeting of over 60 federal, state and local law officers to discuss drug violence in northern Mexico and its spillover into the United States. The Congresswoman used the recommendations from the Border Violence Summit to draft legislation to improve border security and curtail drug cartel activity

Drug Interdiction Summit

In September, 2009 Congresswoman Giffords convened a briefing for local law enforcement and Border Patrol with Admiral Thad Allen, commandant of the Coast Guard and chairman of the Federal Interdiction Committee.

October 2010